

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL McEACHERN,	)	
Petitioner,	)	
	)	2:12cv1238
v.	)	<b>Electronic Filing</b>
	)	
COMMONWEALTH OF	)	Judge Cercone
PENNSYLVANIA,	)	Magistrate Judge Eddy
Respondent.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a Notice of Removal under 28 U.S.C. § 1455 and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On September 24, 2012, the Magistrate Judge filed a Report and Recommendation (ECF No. 6) recommending that this action be summarily dismissed because McEachern is not entitled to removal of his criminal charges under the applicable federal statutes. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had until October 11, 2012, to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 31st day of October, 2012,

**IT IS ORDERED** that this action is **DISMISSED** because McEachern is not entitled to removal of his criminal charges under the applicable federal statutes.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF. No. 6) dated September 24, 2012, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.  
**AND IT IS FURTHER ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ DAVID STEWART CERCONE  
David Stewart Cercone  
United States District Judge

cc: Michael McEachern  
DOC/Pod - 120904 -3D  
Allegheny County Jail  
950 Second Avenue  
Pittsburgh, PA 15219

(*Via First Class Mail*)